



CRL OP(MD). No.533 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 13.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.533 of 2024

and

CrI.MP(MD)Nos.316 & 318 of 2024

1. Stephen,

2. Arul Xaviour,

... Petitioners

Vs.

1. The Sub Inspector of Police,
Kallal Police Station, Sivagangai,
Crime No.164/2021.

2. Arockiasamy

... Respondents

PRAYER :- This Petition is filed under Section 482 Cr.P.C., to call for the records relating to the impugned charge sheet in STC No.911/2022 on the file of Judicial Magistrate, Karaikudi and quash the same and allow this criminal original petition on the file of this Court.

For Petitioners : Mr.V.S. Kumara Guru,

**For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor for R1
: Mr.S.Mahesh Babu for R2**

ORDER

The petition is to quash the impugned final report for the offences under Sections 294(b) and 506(i) I.P.C.



CRL OP(MD), No.533 of 2024

2. The gist of the allegation in the final report is that on account of prior enmity, the petitioner had come to the defacto complainant's house on the date of occurrence and abused the defacto complainant in filthy language and also threatened him of dire consequences and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the alleged occurrence took place on 04.07.2021; that the complaint was lodged on 18.07.2021; that the FIR was registered on 07.08.2021 and that the impugned complaint is false and the same was lodged after the petitioners had lodged a complaint against the defacto complainant on 07.07.2021; that in any case, the allegations would not constitute the offence under Sections 294(b) or 506(i) of the IPC as the ingredients are not made out; and that the defacto complainant is a Railway Police Constable and the allegation of threat therefore is false.

4. The learned counsel for the 2nd respondent however, vehemently opposed the prayer for quashing, stating that the first petitioner is also working in the Army; that though there are several disputes, the act of the



CRL OP(MD), No.533 of 2024

petitioner would attract the offences under Sections 294(b) and 506(i) IPC; that nine witnesses have been cited by the prosecution and it is for the trial Court to decide whether the allegations are true and the points raised by the petitioners cannot be adjudicated in the quash petition.

5. The learned Additional Public Prosecutor reiterated the allegations made in the final report and submitted that the points raised by the learned counsel for the petitioners cannot be adjudicated in the quash petition.

6. It is the case of the petitioners that the allegations are false and the FIR which culminated into the impugned final report was lodged after a considerable delay. It is the case of the 2nd respondent that the delay has been properly explained. It is well settled that an FIR or the final report cannot be quashed only on the ground of delay. However, the question is whether even if the allegations are accepted as true, the offences are made out.

7. The offences that are alleged against the petitioners are under



CRL OP(MD), No.533 of 2024

Sections 294(b) and 506(i) IPC. In order to attract the offence under Section 294(b) of the IPC, the petitioner must have recited or uttered any obscene song or words in any public place. The word 'obscene' had been explained in several cases. The Hon'ble Supreme Court in the case of ***N.S.Madhanagopal and Another Vs. K.Lalitha*** reported in (2022) 17 SCC 818 has held as follows:

"8. It has to be noted that in the instant case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC.

9.To prove the offence under Section 294 IPC mere utterance of obscene words are not sufficient but there must be a further proof of establish that it was to the annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal



CRL OP(MD), No.533 of 2024

evidence to show that the words uttered by the appellants-accused annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out."

8. The above observations would squarely apply to the facts of this case. In the impugned final report except for stating that the petitioners have scolded the defacto complainant, there is nothing to suggest that any obscene word was uttered.

9. As regards the offence under Section 506(i) IPC, admittedly the petitioners and the victim are relatives and there are several suits pending against them.

10. The petitioners are working in the Army and the defacto complainant is a Railway Police Constable. Therefore, this Court is of the view that the words uttered by the petitioners cannot be said to be causing any real threat to the defacto complainant. This Court, in the case of Noble Mohandass vs. State reported in 1989 Cri.Lj 669, had held as follows:

"7. Further for being an offence under



CRL OP(MD), No.533 of 2024

Section 506(2) which is rather an important offence punishable with imprisonment which may extend to seven years, the threat should be a real one and not just a mere word when the person uttering it does exactly mean what he says and also when the person at whom threat is launched does not feel threatened actually.”

11. Therefore, this Court is of the view that even if the allegations in the impugned final report are accepted to be true, it will not attract the two offences mentioned in the charge sheet and hence, this Court is inclined to quash the final report.

12. Accordingly, this Criminal Original Petition is allowed and the impugned final report is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

13.11.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
LS



CRL OP(MD), No.533 of 2024

TO

WEB COPY

1. The Judicial Magistrate,
Karaikudi
2. The Sub Inspector of Police,
Kallal Police Station,
Sivagangai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL OP(MD), No.533 of 2024

SUNDER MOHAN,J.

LS

CRL OP(MD) No.533 of 2024

13.11.2025